

REMARKS

Claims 5-16 are pending in this application, all of which have been added in this Response. Claims 1-4 have been cancelled in this Response. The basis of claims 5 and 10 is found at original claim 1. The basis of claims 6 and 11 is found at original claim 2. The basis of claims 7, 8, 12 and 13 is found at Table 4; and page 7, lines 10-14. The basis of claims 9 and 14 is found at page 2, lines 10 to 12. The basis of claims 15 and 16 is found at original claims 3 and 4.

(1) The specification was objected to because the acetic anhydride structure on page 3 of the specification does not have a double bond between the carbonyl structure and oxygen, and because the structure of ethylene glycol monobutyl ether acetate on page 8 needs correction of the oxygen to carbon.

In this Response, the Applicant herewith files a substitute specification to correct the errors mentioned by the Examiner. Withdrawal of the objection is respectfully requested.

(2) Claims 1-4 were objected to because each element of the claim is not separated by a line indentation (37CFR§1.75(i)).

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In this Response, claims 1-4 have been cancelled, and newly added claims are believed to comply with the requirement. Withdrawal of the objection is respectfully requested.

(3) Claims 1-4 were rejected under 35USC§112, second paragraph, because it is unclear whether applicants claim chemiluminescing composition as a single part and/or component composition or a two part composition having part (1), the oxalate and fluorescent material in solvent and part (2), peroxide in solvent.

Claims 1-4 have been cancelled, and claims 5-16 have been added. Claim 5 is directed to a chemiluminescent composition which induces chemiluminescence when being mixed with an oxidizing composition comprising hydrogen peroxide. Claim 10 is directed to a device including a first component; and a second component separated from the first component. The Applicant believes that the newly added claims overcome the rejection, so withdrawal of the rejection is respectfully requested.

(4) Claims 1 and 2 were rejected under 35 U.S.C. §102(b) as being anticipated by Omniglow Corporation, WO 94/19421.

The Examiner states that WO 94/19421 discloses cetyl citrate esters with benzoates at claims 1 and 6.

However, in WO 94/19421, citrate esters and benzoates are disclosed as an ingredient for the activator component including a peroxide compound (page 3, lines 24-35). There is no disclosure or suggestion in WO 94/19421 that the disclosed chemiluminescent component should include the citrate esters and benzoates (page 3, lines 24-35). WO 94/19421 generally focuses not on the chemiluminescent component, but on the activator component.

Please note that WO 94/19421 discloses suitable solvents at page 7, lines 16-30, but there is no disclosure about the claimed acetyl citrate ester. Also, Example 8 of WO 94/19421 includes only butyl benzoate. In this respect, Composition V described in the present specification corresponds to Example 8 of WO 94/19421 because of including CPPO and 100% by volume of butyl benzoate as a solvent. Comparing Compositions L (100% by acetyl tributyl citrate (ATBC)) with Composition V (100% by volume of butyl benzoate), the luminescent intensity (e.g. at the time of 2 minutes) was much superior in the range of claims 5 and 10. Also, comparing Compositions M, N and O (10%, 20% and 30% by volume of butyl benzoate, respectively) with Composition V (100% by volume of butyl benzoate), the luminescent intensity (e.g. at the time of 2 minutes) was much superior in the range of claims 7, 8, 12 and 13.

Thus, the rejection of claims 5 and 10 under 35 U.S.C. §102(b) is not supported by WO 94/19421. Reconsideration of the rejection is respectfully requested.

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(5) Claims 3 and 4 were rejected under 35 U.S.C. §103(a) as being unpatentable over Omniglow Corporation, WO 94/19421, and further in view of Zweig et al., U.S. Patent No. 3,729,426; Roberts et al., U.S. Patent No. 3,701,738; and/or Crigg, U.S. Patent No. 3,560,395.

Claims 3 and 4 have been cancelled, but the limitations of claims 3 and 4 are recited in claims 15 and 16. Since claims 15 and 16 depend on claims 5 and 10, respectively, withdrawal of the rejection is respectfully requested.

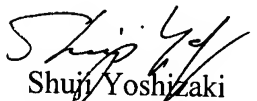
(6) In view of the aforementioned amendments and accompanying remarks, Applicant submits that the claims, as herein amended, are in condition for allowance. Applicant requests such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicant's undersigned representative at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

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If this paper is not timely filed, Applicant respectfully petitions for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,
WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP


Shuji Yoshizaki
Limited Recognition
Telephone: (202) 822-1100
Facsimile: (202) 822-1111

SY/mt
Attachment: Limited Recognition
Substitute Specification (Clean Version) with Marked-Up Version